

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARLON ROBERSON,

Petitioner,

v.

PATRICK EATON,

Respondent.

No. 2:24-cv-0281 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of mandate, together with an application to proceed in forma pauperis.

Review of the petition demonstrates that the instant action was improvidently opened as a new case. In Roberson v. People of the State of California, No. 2:22-cv-1557 DAD DB P (E.D. Cal.),<sup>1</sup> petitioner filed a petition for writ of mandate on January 22, 2024, and exhibits supporting such petition. Id. (ECF No. 23 and 23-1.) Thus, the Clerk of the Court is directed to file the instant petition and motion to proceed in forma pauperis in case No. 2:22-cv-1557 DAD DB P, and the instant case shall be terminated. Petitioner shall refer to case No. 2:22-cv-1557 DAD DB P in future filings related to his request for writ of mandate.

<sup>1</sup> A court may take judicial notice of court records. See, e.g., Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002) (“[W]e may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue”) (internal quotation omitted).

1 Accordingly, IT IS HEREBY ORDERED that:

- 2       1. The Clerk of the Court is directed to file the instant petition and motion to proceed in  
3 forma pauperis (ECF Nos. 1 & 2) in Roberson v. People of the State of California, No. 2:22-cv-  
4 1557 DAD DB (E.D. Cal.); and
- 5       2. This action (No. 2:24-cv-0281 KJN) is terminated.

6 Dated: February 5, 2024

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

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